

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## AHERN RENTALS, INC.,

No. 19-cv-01788-MCE-KJN

Plaintiff,

## ORDER

EQUIPMENTSHARE.COM INC, et al.,

## Defendant.

The court is in receipt of the parties' joint discovery plan (ECF No. 28), wherein the defendants collectively request the court to issue a protective order staying discovery until their two respective motions to dismiss are resolved. (ECF No. 20, 22.) The undersigned denies defendants' request without prejudice.

The previous stay on discovery in this case was lifted by the parties' stipulation and proposed order signed by Judge England. (ECF Nos. 18, 26.) That same order required the parties to participate in a Rule 26(f) conference, therefore commencing discovery. See Fed R. Civ. P. 26(d). That stipulation, signed by defendants, and the following order appears to be incongruent with defendants' current position to halt discovery entirely.

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1 The court is additionally concerned with the defendants' briefing on this issue, and their  
2 minimal citation to Ninth Circuit precedent considering the global stay they are requesting.  
3 Finally, from the record before the court it is unclear what opportunity plaintiff was given to  
4 respond to defendants' request for a stay. If defendants renew their request, the parties are  
5 instructed to follow Local Rules 230 and 251, so the issue can be fully briefed by both sides.

Accordingly, IT IS HEREBY ORDERED that defendants' request to stay discovery in this case is DENIED without prejudice for raising the issue more fully in the future or making more individualized requests for a protective order.

9 || Dated: January 28, 2020

Kendall J. Newman  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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